

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Media Bureau and Consumer and)	
Governmental Affairs Bureau Seek Comment)	
on Second VPAAC Report: Video Description)	MB Docket No. 12-107
and Access to Emergency information)	
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)	
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**COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

I. INTRODUCTION

The National Association of Broadcasters (NAB)¹ submits these comments in response to the Public Notice in the above-captioned proceeding.² Television broadcasters fully support the goal of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA)³ to better enable individuals who are deaf or

¹ NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² Media Bureau and Consumer and Governmental Affairs Bureau Seek Comment on Second VPAAC Report: Video Description and Access to Emergency Information, Public Notice, MB Docket No. 12-107 (rel. Apr. 24, 2012).

³ Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of Title 47 of the United States Code) (CVAA). The law was enacted on Oct. 8, 2010 (S. 3304, 111th Cong.). See also Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-265, 124 Stat. 2795 (2010), also enacted on Oct. 8, 2010, to make technical corrections to the CVAA and the CVAA's amendments to the Communications Act of 1934.

hard of hearing, or blind or visually impaired, to enjoy video programming. The goal of NAB's members is to deliver video descriptions, closed captions and audible emergency information, and to work consistently toward a positive viewing experience for all consumers.

The record developed by the Video Programming Accessibility Advisory Committee (VPAAC), of which NAB was an active participant, reveals both the complexities and opportunities in implementing video described programming, ensuring the accessibility of emergency information, and implementing user interfaces and video programming menus on a variety of digital programming apparatus and devices. We applaud the leadership of the Commission for bringing together industry, consumer advocacy groups, technical experts and FCC staff to ensure that, as the agency works through these issues in the coming months and years, it can continue to do on a collaborative basis. Below we offer some specific comments on the Second VPAAC Reports.⁴

II. VIDEO DESCRIPTION REPORT

The Video Description Report acknowledges that most Video Programming Distributors (VPDs) are currently limited to distributing up to two audio services, with English language typically occupying the primary audio service and the secondary audio

⁴ Second Report of the Video Programming Accessibility and Advisory Committee on the Twenty-First Century Communications and Video Accessibility Act of 2010, Video Description (Apr. 9, 2010) (Video Description Report); Second Report of the Video Programming Accessibility and Advisory Committee on the Twenty-First Century Communications and Video Accessibility Act of 2010, Access to Emergency Information, (Apr. 9, 2010) (Emergency Information Report); Second Report of the Video Programming Accessibility and Advisory Committee on the Twenty-First Century Communications and Video Accessibility Act of 2010, User Interfaces, and Video Programming Guides and Menus (Apr. 9, 2010) (User Interfaces Report).

service delivering alternative languages and/or video description services. Video Description Report at 20. As recognized by the Commission when reinstating the video description requirements pursuant to the CVAA,⁵ the second audio service will need to be accessed via a second language channel (e.g., Spanish), and consumers will, for the foreseeable future, need to select the Spanish channel on their devices in order to locate the Video Description option.

The Video Description Report considers a number of methodologies to improve usability and functionality in the delivery of descriptions, including implementing the methodology for indicating the presence of video descriptions as specified in the current Advanced Television Systems Committee (ATSC) standards. Video Description Report at 20-22. The Report correctly points out, however, that an abrupt change to this signaling regime, or any other new technology or methodology for delivering video description, would yield the unfortunate result of disenfranchising existing users of video description and would likely cause significant consumer disruption. *Id.* at 22. Current television receivers in the marketplace would likely be unable to interpret new content signaling parameters. As a result, consumers would be unable to locate video descriptions using current equipment and would need to purchase a new TV receiver to take advantage of features that might be enabled by such signaling. Thus, the Commission must carefully balance achievability of new consumer features against the backdrop of affordability and consumer disruption.

⁵ In re Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Report and Order, 26 FCC Rcd 11847 (Aug. 25, 2011) at ¶¶ 30-32.

NAB supports the application of additional methodologies and future technologies, on a voluntary basis, for the distribution of described video and other advanced television features. Consumers' ability to access and enjoy the benefits of video description, however, remains very much dependent on the ease of use of their home receivers and other devices, such as set-top-boxes. As articulated in the User Interfaces Report, it will take time for new features to be developed and delivered into the consumer marketplace. See User Interfaces Report at 6 for a discussion of phase-in timeframes.

NAB also supports voluntary measures to facilitate consumer awareness of the availability of video described programming. For example, we support the recommendations that an "AD" or similar logo be used to help identify the service by content creators, providers, programmers, device manufacturers⁶ as well as consumers that are watching programming along with friends and family members that are visually impaired or blind. Further, we support the industry's position that the top four commercial broadcast networks (and the top five national non-broadcast networks) provide on their websites information on which programming is video described. Video Description Report at 25. We also concur with the industry position that, to the extent programmers provide television listing information to one or both principal television programming information distributors (Tribune Media Services and Rovi), they include information on video description. *Id.* at 25. NAB will continue to work collaboratively

⁶ User Interfaces Report at 18.

with the FCC staff and consumer advocate groups prior to and following July 1, 2012, to facilitate consumer awareness of video described programming.⁷

NAB and its members will also work with the ATSC in developing the next generation of digital television to ensure that (1) video descriptions can be more readily accessible to those who wish to use them, and that (2) in the long term, additional audio channels or advanced methodologies can be implemented. Today, however, we agree with the industry position that the Commission should not mandate either transmission standards or a single format, protocol or content signaling requirement for the carriage of multiple audio services. Video Description Report at 25-26. Broadcasters believe that – because different VPDs have different infrastructures – neither the technology nor the signaling methodology is required to be uniform across all VPDs. Each VPD will need a fundamental understanding of how other VPDs’ signaling systems work in order to properly receive and pass-through video descriptions. Broadcasters are prepared to coordinate with other industry members and establish a process to consider technologies and operational procedures that will facilitate the implementation of the signaling regime.⁸

The timing required to fully implement this new content signaling regime will depend on a number of factors. Chief among them is the lead time required for digital television (DTV) sets with the ability to interpret this signaling system to reach the

⁷ We appreciate the Commission convening the May 31, 2012 meeting to discuss consumer outreach, and we look forward to continuing this private-public partnership.

⁸ This signaling regime is documented at ATSC A/53, Part 5: 2010 “ATSC Digital Television Standard” (July 6, 2010). To date, however, it has not been widely implemented by the broadcast industry because the no television receivers in the marketplace currently support this regime.

market place. The User Interfaces Report indicates a time frame of not less than two years to implement the requirements of the CVAA. See User Interfaces Report at 15. Over the next two years, there will likely be some receivers in the marketplace that can interpret the new signaling scheme but the majority of DTV sets, however, cannot. The challenge facing broadcasters will be in knowing when there are sufficient DTV sets available in the marketplace to warrant transmitting the signaling methodology.⁹

Additionally, multichannel video programming distributors (MVPDs), which carry broadcast channels as well as other programming, use varying technologies and distribution infrastructure. Thus, they too will need reasonable time to implement methods for delivering video descriptions (e.g., additional audio channels) and an appropriate signaling regime for their consumer devices.

Finally, NAB supports the industry position that entities subject to video description obligations provide quality video descriptions. Video Description Report at 30. We do not agree that the Commission should initiate a *Notice of Inquiry* governing video description quality standards at this time. *Id.* at 29. Such an Inquiry would be premature, given that the affected programmers and distributors are still preparing to begin implementing video description, and would raise serious First Amendment concerns governing artistic judgments.¹⁰ In lieu of regulation, we urge the Commission

⁹ NAB notes that the Consumer Electronics Association is currently investigating the feasibility of employing a hybrid or dual signaling approach that may be able to support both the legacy and new signaling systems simultaneously. However, this work is in the very early stages and no conclusions have been reached as to the practicality of such an approach.

¹⁰ As the Commission itself has recognized, evaluating quality of video description would require subjective determinations by the Commission that are not appropriate in light of First Amendment concerns and the no censorship provision of the Act. See *Video Description: Implementation of the Twenty-First Century Communications and*

to work with all interested parties in promoting best practices and identified resources of the Video Description Report. *Id.* at 30-31.

III. EMERGENCY INFORMATION

Broadcasters fully support the accessibility of emergency information on television. Informing the public during times of emergency is our highest calling for public service. From the current wildfires of New Mexico, to last week's storm in the Washington, D.C. area, to the recent devastating tornadoes in the mid-west, broadcasters provide critical information to citizens. To date, over 584 abducted children have been recovered thanks to the AMBER Plan created by local broadcasters.¹¹ We look forward to working with the Commission to implement the CVAA's provisions on ways to convey emergency information in a manner accessible to persons who are blind or visually impaired.¹²

In the next months, broadcasters will be working with the technology community to develop a means to create and transmit an audio representation of the information that is contained in an onscreen emergency crawl. We support the findings of the VPAAC that information about emergencies that "pose imminent and serious threats to life or property should be conveyed audibly as well as visually for the benefit of people with visual disabilities." VPAAC Emergency Information Report at 10. NAB also supports distribution of audio information through the same path as video description.

Video Accessibility Act of 2010, MB Docket No. 11-43, Notice of Proposed Rulemaking, FCC 11-36 (rel. Mar. 3, 2011) at ¶ 29; U.S. CONST. amend. I; 47 U.S.C. § 326.

¹¹ http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&PageId=4319 (last visited June 4, 2012).

¹² See CVAA § 201(e)(2).

This leverages existing program distribution infrastructure, and takes into account limitations on many MVPD and broadcast plants in a two audio channel environment.

Notwithstanding the challenges associated with accessing video description on consumer devices in the near term, pairing video description and emergency information on the same audio path ensures consumers that have access to described programming will also have access to audible emergency information. NAB further agrees with the finding of the VPAAC that Text-to-Speech (TTS) technology should be employed for creation of the audio representation of an onscreen emergency crawl. VPAAC Emergency Information Report at 9. We support the Commission's recent decision to allow broadcasters and other Emergency Alert System participants to employ TTS.¹³ NAB agrees that TTS is an essential enabling technology and can be used to generate quickly the needed audio for the timely creation of accessible emergency information.

IV. CONCLUSION

For the above stated-reasons, broadcasters are committed to continued partnership and dialogue with the Commission, industry and consumer groups as video described programming is launched on July 1, 2012. Collaboration can improve consumer access to information as well as accessibility of described programming in the complex electronic device ecosystem. Additionally, broadcasters are hard at work on the technical challenges ahead to ensure that emergency information is audibly

¹³ *Order on Reconsideration*, In the Matter of Review of the Emergency Alert System, EB Docket No. 04-296 (rel. Apr. 19, 2012).

accessible, consistent with the goals of the CVAA and our commitment to serve the public.

Respectfully submitted,

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